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WASTE CONNECTIONS US, INC.

8
9 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

10 JUSTIN CARLILE,

11 Plaintiff,

12 v.

13 WASTE CONNECTIONS US, INC.,

14 Defendant.

Case No.

NOTICE OF REMOVAL

(FEDERAL QUESTION)

28 U.S.C. §§ 1331 and 1441(a)

16 **TO: THE CLERK OF THE ABOVE-NAMED COURT;**

17 **AND TO: PLAINTIFF JUSTIN CARLILE;**

18 **AND TO: MATTHEW Z. CROTTY, Plaintiff's Counsel of Record.**

20 PLEASE TAKE NOTICE that Defendant Waste Connections US, Inc. ("Waste
21 Connections"), hereby effects the removal of the state action described herein from
22 the Superior Court of the State of Washington in and for the County of Spokane, to
23 the United States District Court for the Eastern District of Washington. Removal is
24 based on the existence of a federal question and is timely. Written notice of the filing
25 of this Notice of Removal is being filed with the Clerk of the Superior Court of the
26

1 State of Washington, in and for the County of Spokane, and shall be served upon all
2 parties together with a copy of this Notice pursuant to 28 U.S.C. § 1446(d).

3 In support of its Notice of Removal, Defendant provides the following
4 information:

5
6 1. On or about August 26, 2021, Plaintiff Justin Carlile commenced an
7 action against Waste Connections in the Superior Court of the State of Washington,
8 in and for the County of Spokane, by filing a Complaint captioned *Justin Carlile v.*
9 *Waste Connections US, Inc.*, and designated as Case No. 21-2-02373-32.

10 2. Plaintiff effected service of the Summons and Complaint upon
11 Defendant's registered agent on August 27, 2021.

12
13 3. True and correct copies of all process, pleadings, orders and other papers
14 or exhibits on file with the state court are attached hereto, except as noted, as follows:
15 (1) the Case Assignment Notice and Order is attached as "Exhibit 1;" (2) the
16 Complaint & Demand for Jury Trial is attached as "Exhibit 2;" (3) the Summons is
17 attached as "Exhibit 3;" and (4) Defendant's Notice of Appearance in the state court
18 is attached as "Exhibit 4." Defendant is still obtaining the Declaration of Service and
19 will file it by supplemental submission within the time period permitted by the rules.
20

21 4. Waste Connections is removing this action to this Court pursuant to 28
22 U.S.C. §§ 1331 and 1441, based on the existence of a federal question.

23 **TIMELINESS**

24 5. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed
25 within thirty days after Waste Connections' receipt of Plaintiff's Complaint.
26

JURISDICTION

6. Plaintiff's Complaint purports to allege a violation of the Family and Medical Leave Act, 29 U.S.C. §§ 2601–2619 ("FMLA"). (Complaint ¶¶ 40–51.) Because Plaintiff's Complaint raises a federal question, this Court has jurisdiction over this action under 28 U.S.C. § 1331. The Court has jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367.

VENUE

7. Venue is proper in the Eastern District of Washington pursuant to 28 U.S.C. § 128(b) and 1446(d) because the state court action is pending within the jurisdictional confines of this District.

INTRADISTRICT ASSIGNMENT

8. Venue is proper in the Spokane Division, pursuant to LCR 3(e), because this case was removed from Washington State Superior Court, in and for the County of Spokane, and because the alleged events and omission that Plaintiff contends give rise to his claim are alleged to have occurred in Spokane County.

9. Written notice of the filing of this Notice of Removal is being filed with the Clerk of the Superior Court of the State of Washington, in and for the County of Spokane, and shall be served upon all parties together with a copy of this Notice pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Waste Connections respectfully requests that the above-captioned matter, now pending in the Superior Court of the State of Washington, in

1 and for the County of Spokane, Case No. 21-2-02373-32, be removed to this
2 Honorable Court for further proceedings.

3 Dated: September 16, 2021
4

5 s/ Thomas P. Holt

6 Thomas P. Holt, WSBA #39722
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8 s/ Goldie A. Davidoff

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16 Attorneys for Defendant
17 WASTE CONNECTIONS US, INC.
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CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. I hereby certify that on September 16, 2021, I electronically filed the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the Court and to the following:

Attorneys for Plaintiff

Matthew Z. Crotty, WSBA #39284
Crotty & Son Law Firm, PLLC
905 West Riverside Ave., Ste. 404
Spokane, WA 99201
Tel: 509-850-7011
Email: matt@crottyandson.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed on September 16, 2021, at Seattle, Washington.

s/ Karen Fiumano Yun

Karen Fiumano Yun
kfiumano@littler.com

LITTLER MENDELSON, P.C.

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